

Official Proceedings

April 1, 2008

8:00 am

Chairman Duane Wolf called the meeting of the Stark County Board of Commissioners to order. All members present.

Chairman Wolf asked for any additions to the agenda. Comm. Hoff added zoning. Alice Schulz, Auditor, added DOT resolution. Comm. Zander moved to approve the agenda with the additions. Comm. Nodland seconded. All voted Aye and the motion carried.

Comm. Hoff moved to approve the minutes from the March 4, 2008, with one amendment. Comm. Willer seconded. All voted Aye and the motion carried.

Comm. Nodland moved to approve the accounts payable and supplement as presented. Comm. Hoff seconded. Roll call vote. All voted Aye and the motion carried.

Gary Kostelecky, Emergency Management, presented a resolution and proclamation to impose a burn ban in Stark County. Comm. Nodland moved to authorize the Chairman sign the Fire Emergency Proclamation and Resolution and start the burn ban effective today. Comm. Willer seconded. Roll call vote. All voted Aye and the motion carried.

PROCLAMATION

FIRE EMERGENCY, STARK COUNTY, NORTH DAKOTA

April 1, 2008

WHEREAS, Stark County, North Dakota is under abnormally dry conditions; and

WHEREAS, all available resources remain committed to protecting life and property; and

WHEREAS, the impact of fires could threaten the health, well-being, and safety of citizens in Stark County; and

WHEREAS, the cost of response and the inordinate equipment wear may be far in excess of available County resources.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Stark County Commissioners declare a **Fire Emergency** to include a **Burn Ban** on the ignition of fireworks, garbage burning, campfires, open burning or smoking materials outside of vehicles and buildings or any other willful burning in Stark County, and all cities in Stark County until further notice.

ANY INDIVIDUAL WHO WILLFULLY VIOLATES THIS BURN BAN IS GUILTY OF AN INFRACTION.

Dated at Dickinson, North Dakota this 1st day April, 2008.

Sheriff Clarence Tuhy reported that the South Sakakawea Narcotics Task Force initiated 15 cases during the month of March.

Al Heiser, Road Superintendent, reported that Anderson Western was the low bidder on the Enchanted Highway project at \$1,412,899.00. Comm. Nodland moved to authorize the Chairman sign the NDDOT Resolution with Anderson Western on Project #SC-4531(052) Stark County-Hettinger County Line. Comm. Zander seconded. All voted Aye and the motion carried.

Al Heiser also reported that he is working with SW Grain to improve Highway 10 from Oukrop's to Taylor, to accommodate truck lines and traffic. Delane Thom, manager at SW Grain terminal, reported there are a lot of details to be worked out but they are willing to participate in the cost.

Comm. Zander & Tom Henning, States Attorney gave an update on the Stark County Vehicle Policy. Tom has forwarded a draft to Road Superintendent, Sheriff and Social Services for their review and comment. Comm. Zander requested Tom speak to our agent to get all issues covered.

Comm. Hoff presented a recommendation from the Zoning Board to grant Ben Richards request to amend zoning. Comm. Hoff moved to grant Ben Richards request to amend zoning from Agricultural to Industrial to construct a welding shop/storage building on the N2 and Agricultural to Residential/Agricultural on the S2 to build a residence in the future. The parcel is located in the SE Section 29 Township 139 Range 99. Comm. Nodland seconded. Roll call vote. All voted Aye and the motion carried.

Tim Kelly, Kadrmas, Lee & Jackson, gave the engineers report and update on road projects.

Tom Henning, States Attorney, recommended after doing research that the detention agreement with Mandan Youth Correction Center is as fair as it is going to get. Comm. Zander moved to sign the agreement with the Mandan Youth Correction Center for detention. Comm. Willer seconded. All voted Aye and the motion carried.

Pursuant to a recommendation by Tom Henning, States Attorney, Richard Voss with Great Northern Power Development, gave a presentation, which was a repeat of the presentation that was given at the December 14, 2007, luncheon meeting. Mr. Voss presented plans outlining the proposed development of a coal gasification plant and accompanying coal mine south of South Heart in the location described by the company's application for re-zoning. He described the mining plan, alternate road plans, ground and well water survey plans, and water replacement plans for affected residents. He also

outlined the personnel requirements for the construction phase and the production phase of the proposed plant. Mr. Voss also presented the likely economic impact of the proposed plant on the area, including ancillary job creation, the plant's payroll, necessary housing, and increased service needs of all kinds, both private and governmental.

Dennis Kost, Environmental Health Specialist, expressed concern about the health effects related to industrial development.

Nancy Eberts, Neighbors United, expressed concerns about Great Northern Power Development's request to change zoning, and encouraged the Commission to stay a player and require Great Northern Power Development to get state permits first before changing zoning.

Frank Hurt, Neighbors United, expressed concerns about the Great Northern Power Development's project by South Heart, and encouraged the Commission to get more information and require Great Northern to get state permits first.

Dennis Kost, Children's Health Task Force, gave a presentation on the effect power plants have on the environment.

Charmaine White Face, coordinator of Defenders of Black Hills, recommended the Commission require Great Northern Power Development have an Environmental Impact Study done and take more time to make decision.

Comm. Nodland moved to grant Great Northern Power Development's request to change zoning from agricultural to industrial property located in Township 139, Range 98, Section 9: South of RR, Section 10: SW4 South of RR, Section 13: SW4SW4, Section 14: W2W2, SE4SW4, S2SE4, Section 15: All, Section 16: All, Section 17: All, Section 20: N2N2, SE4NE4, E2SE4, Section 21: All, Section 22: All, Section 23: All, Section 24: W2NW4, Section 27: All, Section 28: N2NW4, E2, Section 29: NE4NE4, Section 33: NE4, E2SE4, Section 34: All. Township 138, Range 98, Section 3: N2N2. The motion made was to grant the Application of Great Northern Power Development to amend the Stark County Zoning Ordinance to change the zoning from Agricultural to Industrial and to grant a Conditional Use or Special Use Permit for the use of the property as a coal mine subject to the four following conditions:

- 1) That Great Northern Power Development obtain all necessary state approval, licenses and permits relative to the operation of the coal mine.
- 2) That Great Northern Power Development agree in writing to replace all water lost as a result of damage to water wells caused by their mining operations.
- 3) That Great Northern Power Development build and maintain necessary access roads to the mine and plant, such roads to be built to the satisfaction of the Stark County Commissioners.
- 4) That Great Northern Power Development will work in concert with law enforcement and emergency responders to facilitate public safety.

Comm. Willer seconded. Roll call vote. All voted Aye and the motion carried.

Comm. Nodland moved to adjourn. Comm. Zander seconded.

Alice Schulz, Auditor

Duane A. Wolf, Chairman

Official Proceedings

**April 15, 2008
8:00 am**

Chairman Duane Wolf called the special meeting of the Stark County Board of Commissioners to order. All members present.

The only item on the agenda is Highway 10/Southwest Grain road project.

Comm. Nodland reported that Southwest Grain is doing a addition to their terminal and would like to have an additional turning lane on Highway 10 and have Highway 10 paved from Taylor three miles west.

Craig Kubas, Kadrmas, Lee & Jackson reported the one project breaks down into three projects, which are as follows:

- 1) Load restriction to come off Highway 10 three miles west from Taylor to Oukrop road.
- 2) Left turn lane on Highway 10 for westbound traffic turning left at the Southwest Grain Terminal.
- 3) Southwest Grain adding an extra lane from Highway 10 to the terminal to accommodate trucks waiting in line (this would be at Southwest Grain's expense).

Southwest Grain is willing to go 50/50 of the cost for the projects on Highway 10.

Craig Kubas would like to include with the bid for the 3 mile mill and overlay project on Highway 10 from Taylor to Oukrop road, the paving of the turning lane built last year at the intersection of Enchanted Highway and Highway 10.

Project is to be bid at the May 6, 2008, regular meeting.

Tom Henning, States Attorney, will prepare some type of agreement, documenting the agreement between Stark County and Southwest Grain.

Comm. Nodland moved that we do the projects discussed, which includes the turning lane for westbound traffic turning left at the Southwest Grain approach and the three mile mill and overlay on Highway 10 from Taylor west three miles with funding for these projects to come from the Highway Distribution Fund, and up to \$100,000.00 for the Enchanted Highway/Highway 10 intersection paving project with funding to come from the Special Road and Bridge Fund. Comm. Hoff seconded. Roll call vote. All voted Aye and the motion carried.

Comm. Zander moved to adjourn. Comm. Hoff seconded.

Alice Schulz, Auditor

Duane A. Wolf, Chairman